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Board of County Commissioners
Workshop Item

Date of Meeting: November 22, 2005

Date Submitted: November 16, 2005

TO: Honorable Chairman and Members of the Board

FROM: Parvez Alam, County Administrator
Vincent Long, Assistant County Administrator 

SUBJECT: Workshop on 2006 State and Federal Legislative Priorities.

STATEMENT OF ISSUE:

To conduct a workshop with the Board on the state and federal legislative priorities to guide the County's lobbying efforts for the 2006 state legislative session and the second session of the 109th Congress.

BACKGROUND:

Historically, the Board has conducted a workshop with staff on legislative priorities to guide the County's lobbying efforts. In recent years, staff has utilized this forum to receive Board direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the state and federal level.

ANALYSIS:

Upon the close of the state legislative session each year, staff solicits legislative appropriations and policy requests from the County's departments. A follow-up working session is conducted with staff to compile a proposed list of new policy issues and appropriations requests, as well as others sought in previous sessions, for Board consideration. Staff has identified 12 appropriation requests for the 2006 state and federal legislative cycles. (please see Attachment #1). Additionally, staff has identified 14 policy statements for the 2006 state legislative session (please see Attachment #2).

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented here to be included in the County's 2006 State and Federal Legislative Programs. Upon Board approval, staff and contract lobbyists will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board directs to receive a special level of attention in 2006. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for our 2006 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified by staff, much of the County's legislative efforts each session are focused on statewide issues in conjunction with the Florida Association of Counties (FAC). FAC will finalize their 2006 Legislative Program during their legislative conference on November 30, 2005. These issues are often times the most critical issues facing the County during the State legislative session.

PROPOSED LEON COUNTY 2006 STATE & FEDERAL LEGISLATIVE SESSION:
Appropriation Requests

(Please Note: For complete information on each, see Attachment #1)

The Board of County Commissioner's practice of retaining professional contractual lobbying services, at both the state and federal levels, is based primarily on increasing the County's chances of obtaining legislative appropriations. Staff works throughout the year to identify County projects for which to submit state and federal appropriations requests. Attachment #3 illustrates the County's state and federal appropriations since 2002. The 2006 appropriation requests identified, below, cover significant County initiatives ranging from increased funding for stormwater projects to transportation funding. During the 2005 legislative workshop, the Board directed staff to submit each appropriation request at both the state and federal levels to improve the County's chances of receiving an appropriation. Aside from the specific grant program requests, the 2006 appropriation requests listed below will be submitted at both the state and federal levels.

One of the most important appropriation requests that the County has targeted for state funding is the Mahan Drive (US 90) road widening project from Dempsey Mayo Road to I-10 (Significantly, this was also a priority set by the Board during FY 2004/05. Leon County, the City of Tallahassee, Blueprint 2000, and the Capital Regional Transportation Planning Agency (CRTPA) have also been working with FDOT to get this project qualified for the Strategic Intermodal System (SIS) transportation funding program. SIS was created in 2003 to ensure adequate planning and funding of transportation systems that connect airports, seaports, bus terminals, and major highways. Mahan Drive is expected to be recognized as a SIS "intermodal connector" between I-10 and the and the Greyhound bus terminal located on Tennessee Street (US 90) this spring. In addition, the Transportation Regional Incentive Program (TRIP) was created in 2005 to improve regional transportation facilities through a partnership of local governments, the state, and the private sector. Under TRIP, FDOT may provide up to 50 percent of project costs for regional projects such as Mahan Drive. The County has had success during the past month in securing SIS and TRIP funding for priority projects, including \$42.6 million for right of way purchase along Capital Circle SW through SIS and \$4.3 million for Capital Circle SE through TRIP. The County will now seek state funding under both TRIP and SIS as part of the 2006 legislative cycle, as well as seeking federal funding for Mahan Drive.

The appropriation requests include targeted grant requests for two significant projects. The first grant funding request is under the State Department of Environmental Protection's (DEP) Water Quality Grant Program. Staff and administrators from the Northwest Florida Water Management District (NFWFMD) have recommended the Lake Jackson/Roden Cove and Lexington flood mitigation projects for legislative consideration in the year ahead under this grant. This is primarily due to the advanced stage of the projects and the fact that they have been top ranked projects by NFWFMD for several years. In 2005, the County was awarded a Department of State Public Library Construction Grant of \$500,000 for construction of the Lake Jackson Branch Library. For 2006, staff has included a library construction grant application for the Apalachee Parkway Branch Library to the Department of State. That request will be considered as part of the FY 06/07 Public Library Construction Grant Program by the 2006 State Legislature.

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The other projects listed below, from the Killearn Lakes Sewer Project to the Wakulla Springs Aquifer Protection Project, provide staff and the County's contract lobbyists with the opportunity to identify and advocate for funding of Board priorities that match with state and federal objectives, during the legislative process. The following is the proposed Leon County 2006 State and Federal appropriation requests:

<u>Mahan Drive</u> Dempsey Mayo Rd. to I-10 - Construction	\$24,000,000
<u>Capital Circle SW (intermodal Connector)</u> Orange Ave to Crawfordville Hwy - Planning/Design	\$1,500,000
<u>Wakulla Springs Aquifer Protection Project</u> Planning/Design	\$250,000
<u>Automated External Defibrillators (AEDs)</u> 175 AEDs to equip all Sheriff's vehicles (150) and County facilities (25)	\$175,000
<u>Killearn Lakes Sewer Project</u> Design/Construction	\$5,000,000
<u>Frenchtown Primary, Specialty & Mental Health Clinic</u> Siting/Planning/Construction	\$3,000,000
<u>Harbinwood Estates Sewer Retrofit Project</u> Design/Construction	\$8,000,000
<u>Lake Jackson/Lexington Flood Mitigation/Water Quality Retrofit</u> Land acquisition and construction	\$750,000*
<u>Lake Jackson/Rhoden Cove Flood Mitigation/Water Quality Retrofit</u> Land acquisition and construction	\$750,000*
<u>J. Lewis Hall, Sr. Park in Woodville (FRDAP)</u> Renovation of playground equipment & restrooms	\$112,500#
<u>Apalachee Parkway Branch Library (Public Library Construction Grant)</u> Construction of new County branch library	\$500,000**
<u>Lake Jackson Ecopassage</u> Design	\$500,000

- * DEP Water Quality Program Grant to be submitted, requires 2006 legislative approval
- ** Department of State Public Library Construction Grant to be submitted, requires 2006 legislative approval.
- # FDEP Innovative and FRDAP grants require 2006 state legislative approval.

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PROPOSED LEON COUNTY 2006 STATE LEGISLATIVE SESSION

Policy Requests

(Please Note: For complete information on each, see Attachment #2)

Like most legislation, much of the County's legislative efforts are incremental and are focused on issues that are built upon throughout several sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or "substantive" legislative issues. Significant substantive issues that have been identified for County participation range from protection of the state workforce to the reducing the jail population; from continued state funding for waste tire grant programs to increased funding for mental health services. The impact of state violators of probation (VOPs) on the county jails is an issue that burdens most Florida counties, including Leon County, which FAC intends to address at its annual legislative conference on November 30, 2005.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association on Intergovernmental Relations (FAIR) to identify developing issues that effect counties during session's quick pace. In many cases, the County joins FAC and FAIR members to advocate for or against initiatives that would substantially impact counties (*Please note: FAIR members are representatives of local governments from across the state.*). The 2006 Legislature may consider a local issue regarding Tallahassee Memorial Hospital (TMH). TMH is currently undergoing the application process to become a recognized trauma center under state law. During the 2006 legislative session, TMH plans to request approximately \$500,000 from the Legislature as a start-up cost for the trauma center. Based upon Board direction, staff will monitor and support this issue of regional importance throughout session.

On December 5, 2005, the Leon County Legislative Delegation will hold a public hearing in the Leon County Commission Chamber to discuss legislative issues for the 2006 legislative session. Please find, below, a listing of the proposed Leon County 2006 state legislative session policy requests. Each request provides a brief overview of the issue and indicates the specific legislative action recommended:

Section I. Finance and Tax

State Cost-shift opposition

Issue: The 2004 Legislature passed a bill shifting \$90 million in state costs for the predisposition of juvenile offenders to counties. This move impacted Leon County by approximately \$1.4 million annually. In 2005, the Legislature upheld the cost shift despite counties' strong opposition. Additional legislation related to Medicaid funding could negatively impact counties this year. Please note that the Governor has called a Special Session for the purpose of Medicaid Reform for the week of December 5th, 2005.

Action: Support the continued state funding of state programs and oppose any cost shifts to counties, including modifications to the Medicaid program.

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Budget Adoption

- Issue:** Florida Statutes requires county budget officers to submit the tentative budget no later than 15 days after the certification of value. This makes it extremely difficult to get the budget document finalized for distribution to county commissioners.
- Action:** Support efforts to extend deadline to submit the tentative budget from 15 to 21 days after the certification of value.

Section II. Growth Management, Environment, Transportation & Infrastructure

Growth Management Reform

- Issue:** The 2005 Legislature passed Senate Bill 360, including significant growth management reforms ranging from school planning to water supply funding. State legislative staff is preparing a "glitch bill" to further modify the comprehensive legislation passed last year. It is anticipated that this glitch bill will also address numerous issues impacting local government.
- Action:** Continue to monitor growth management issues and advocate county position.

SIS Funding

- Issue:** Legislators created the new Strategic Intermodal System (SIS) in 2003 to improve the system by which state road projects are prioritized for funding. During the 2004 regular session, a funding mechanism for this system was designated. Significantly, ongoing County efforts to include Mahan Drive as a "connector" roadway on the SIS have been successful. In 2005, FDOT awarded \$42.6 million in SIS funding for the advanced right of way purchase for the widening of Capital Circle SW. For 2006, staff will continue to work with key decision makers to place priority County transportation projects on the SIS and enhance the potential for state funding of these County projects.
- Action:** Monitor this issue and advocate County position.

Section III. Health and Social Services

Health Care

- Issue:** Indigent Care Surtax
- Action:** Support legislation authorizing counties to impose the Indigent Care Surtax by a extraordinary vote of the Board of County Commissioners. Current law authorizes counties with a population of 800,000 or more to levy the Indigent Care Surtax by an extraordinary vote of the governing body.

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Mental Health

Issue: Improve the shortage of local treatment opportunities and reduce the number of mentally ill in the county jail.

Action: Support expanded funding for mental health services across the region and state.

Section IV. Public Safety

County Jail

Issue: Jail Overcrowding

Action: Support the Florida Association of Counties and the Florida Sheriff's Association in their efforts to reduce county jail population, including state Violators of Probation (VOP) inmates in county jails. On November 1, 2005, the Public Safety Coordinating Council recommended that the County pursue all means to reduce the jail population. FAC is expected to address specific VOP issues during the upcoming legislative conference on November 30, 2005.

Probation

Issue: Jail Overcrowding

Action: Monitor any changes affecting house arrest and support its expanded allowable use as a condition of probation in misdemeanor and traffic offenses.

Issue: Pretrial Release

Action: Monitor any changes to statutes affecting pretrial release and advocate continued support for program.

Issue: Juvenile Justice Funding

Action: Monitor funding levels and the potential reduction of local alternative and prevention programs to ensure that no further burden for treatment and prevention of juveniles is not shifted to counties (a \$90 million cost shift to counties for DJJ costs was approved in 2005).

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Section V. General Government and Libraries

Libraries

Issue: State aid for libraries

Action: Continue to support full or expanded funding for State Aid to Libraries

Section VI. Statewide Issues

Protection of State Workforce

Issue: State workers comprise a substantial percentage of Leon County's population, contributing to our community, economy and diversity. Recent executive and legislative actions have reduced the number state workers and, have placed numerous others at risk. Future actions impacting state workers are anticipated.

Action: Monitor this issue and advocate for the continued protection of our state workforce.

FRS Reclassification of Probation & Pre-Trial Release Employees as Special Risk

Issue: The nature of the work performed by Probation Officers and Supervised Pre-Trial Release Specialists is comparable to the tasks performed by law enforcement officers. Probation Officers and Pre-Trial Specialists have daily contact with offenders who often have lengthy criminal histories that may include charges of a violent nature.

Action: Support Florida Association of Community Corrections efforts to pursue the reclassification of Probation and Pre-Trial employees as special risk.

Florida Association of Counties (FAC) Issues

Issue: FAC represents 67 counties at the Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (similar to the \$90 million DJJ cost shift that was passed in 2004) to supporting the reconciliation of any outstanding "glitch" issues to fully implement of Revision 7 to Article V (state funding of state court costs). FAC will finalize their 2006 legislative program during their legislative conference in December, 2005.

Action: Support the 2006 FAC legislative program unless specific issues conflict with the County's issues.

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Waste Tire Grant Fund Distribution

Issue: In recent years, the Legislature approved Waste Tire Grant Program funding at various levels.

Action: Monitor this issue and advocate for continued funding of the Waste Tire Grant Program with county allocations based upon an equitable population based formula.

Emergency Medical Services Employees

Issue: The 2005 Legislature passed a bill that provides individuals the authority to use deadly force or cause great bodily harm to someone who unlawfully enters a dwelling. An exemption is provided for law enforcement officers entering a dwelling in accordance with his/her official duties. However, an exemption does not exist for EMS personnel.

Action: Support the changing of the exemption language to include all public safety officials and first responders.

Issue: Florida Statutes exempts all police, firefighters, jail workers, and judges from having their names, addresses, and families' personal information from being disclosed publicly.

Action: Support legislation that would add EMS and paramedics to the exempt list for public records.

FEDERAL LEGISLATIVE ISSUES:

The second session of the 109th Congress is expected to begin in early January of 2006. The Board of County Commissioner's practice has been to focus the County's federal legislative program on appropriations issues. At the Board's request, the federal appropriation requests have been combined with the state appropriations request (Page #3 of the Analysis Section). Attachment #3 illustrates the County's state and federal appropriations since 2002. Any substantive issues that the County has at the federal level are coordinated through our National Association of Counties (NACO) representation.

Staff continually works with the County's federal contract lobbying firm, Patton Boggs, throughout the year, to advocate for the County's targeted appropriation requests. Staff coordinates weekly with Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant funding that could potentially fund County project requests. In addition, Patton Boggs has been submitting monthly memoranda to update the Board on their federal lobbying activities in order to further improve communication between the Board and their federal lobbying firm.

Recent federal appropriation cycles have yielded some positive outcomes for County funding

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requests. Significantly, Congress passed the long awaited re-authorization of the Safe, Accountable,

Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) during the past year, which provides \$16.1 million for right of way and construction of Capital Circle NW. Congress is still working toward completing this year's budget but is expected to pass a Continuing Resolution (CR) beyond the current November 18, 2005 deadline. It is expected that this year's appropriation package, including the County's pending requests, will be approved prior to the winter recess. Previously, the 2003 federal budget included two significant appropriations for Leon County, including \$1 million for the widening of Capital Circle NW/SW from I-10 to the Airport and \$375,000 for new equipment at the Ft. Braden Branch Library.

During the previous year, Patton Boggs has also worked with the County to identify additional grant sources such as for the County's EMS and Housing programs. Patton Boggs has also assisted in coordinating federal outreach on county projects such as for the proposed women's health center. In addition to supporting the County's federal appropriation requests, these activities have been very beneficial to the County. Similar to previous years, staff recommends that the Board approve the continuation of these ongoing federal lobbying efforts.

Please note that the contract with the current County Federal Lobbyist, Patton Boggs, is scheduled to end on December 31, 2005. Based upon their performance during the past year, staff is preparing an agenda item for the Board's regular meeting on December 13, 2005, recommending an extension of the contract with Patton Boggs for federal lobbying services.

OPTIONS:

1) Approve the 2006 state legislative issues and 109th Congress (2nd session) federal legislative issues as presented.

2) Approve the 2006 state legislative issues and 109th Congress (2nd session) federal legislative issues as amended by the Board.

3) Provide Staff other direction

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RECOMMENDATION:

Option #1

Attachments:

- #1: 2006 State and Federal Legislative Session Appropriation Request Forms and Related Materials
- #2: 2006 State Legislative Session Policy Request Forms and Related Materials
- #3 Leon County State and Federal Appropriations: 2002-2005

PA/VL/BHP/KM